

TITLE 205  
CHAPTER 5

REGULATIONS PERTAINING TO THE DEVELOPMENT AND IMPLEMENTATION OF THE INDIVIDUAL PROGRAM PLAN/INDIVIDUAL AND FAMILY SUPPORT PLAN

001 INDIVIDUAL PROGRAM PLAN (IPP)/INDIVIDUAL AND FAMILY SUPPORT PLAN (IFSP). The IPP/IFSP is the product of the interdisciplinary planning process. It is individually tailored, establishing goals and objectives that address the unique preferences and needs of the eligible person. Because of the individual nature of the IPP/IFSP, not all of the regulations have applicability to all persons with developmental disabilities. The process of developing the IPP/IFSP is a collaborative effort between multiple disciplines. Thus, direct and open communication among all team members is requisite to the formulation of a coherent plan.

001.01 At a minimum, the IPP/IFSP is developed annually and reviewed semi-annually.

002 ROLE OF THE PERSON RECEIVING SERVICES. The most important member of the interdisciplinary team is the eligible person. He/she has an active and central role in the team process.

002.01 His/her needs form the basis of the Individual Program Plan.

002.02 His/her preferences are to be taken into account in the IPP.

002.03 If the eligible person is a minor and parental rights have not been terminated, the parent(s) shall be empowered to make decisions on behalf of and in the best interests of the child.

002.03A However, as the child grows older, the expectation is that he/she will assume an increasingly more active role in the planning process.

002.04 If the eligible person has a legal representative, that representative is empowered to make decisions on behalf of and in the best interests of the person.

003 INTERDISCIPLINARY TEAM. The participants involved in the development of the IPP/IFSP include:

003.01 The eligible person;

003.02 The legal representative of the eligible person;

003.03 The parent(s) of the eligible person (if the person is a minor or an adult who desires parental involvement in the process);

003.04 The chosen advocate for the eligible person;

003.05 The Developmental Disabilities Division Service Coordinator; and

003.06 Other individuals whose participation is relevant to the eligible person such as, direct care staff person(s), family member(s), friend(s), teacher(s), and professionals directly involved in the programming, assessment, training, supervision, counseling and/or treatment.

004 ROLE OF THE SERVICE COORDINATOR. The Developmental Disabilities Division Service Coordinator shall schedule, coordinate, and chair all IPP/IFSP meetings and facilitate the participation of all team members.

004.01 The service coordinator shall:

004.01A Elicit and record facts and information from other team members;

004.01B Advocate for the eligible person;

004.01C Facilitate the team's exploration of differences and discover areas of agreement so that consensus can be reached;

004.01D Document the IPP/IFSP and the specific responsibilities of each interdisciplinary team member with regard to IPP/IFSP implementation; and

004.01E Adhere to the format for documentation of implementation of revisions to the program plan.

005 RESPONSIBILITIES OF ALL TEAM MEMBERS. All members of the interdisciplinary team shall:

005.01 Provide information, facts, and input that will assist the eligible person, the legal representative in making decisions about supports, services, goals, and training strategies.

005.02 Write long-term goals for skill acquisition and maintenance which are:

005.02A Based on the identified needs of the person;

005.02B Consistent with the preferences of the eligible person;

005.02C Achievable within one year;

005.02D Specific to the individual and stated in terms that are specific, observable and measurable;

005.02E The basis for all formal training provided; and

005.02F The culmination of its short-term objectives.

005.03 Annually address the appropriateness of the current services, and specify how services such as transportation, physical therapy, occupational therapy, speech therapy, audiology, emergency medical, counseling, nutrition, and routine physical examinations will be provided;

005.04 Participate in the semi-annual review meeting within the sixth month after the annual development meeting. During the semi-annual review, the interdisciplinary team shall:

005.04A Discuss and provide documentation of the progress of the eligible person on achieving annual goals;

005.04B Discuss problems with implementation of the Individual Program Plan; and

005.04C Strategize on methods to alleviate any problems discussed.

005.05 Provide age-appropriate services which are consistent with the person's needs, potentials, and abilities; and

005.06 Protect the rights of the eligible person.

005.06A The service coordinator shall document in the individual's IPP that the eligible person and his/her legal representative are informed of and received a copy of their rights upon initial acceptance of specialized supports and/or services and at each subsequent annual IPP/IFSP.

005.06A1 Any restriction of these rights shall be documented by the Service Coordinator in the IPP/IFSP. If restrictions are noted, the team shall:

005.06A1a Document a rationale for each restriction to outline why the restriction is necessary;

005.06A1b Document that the due process procedures were followed; and

005.06A1c Describe what plans are in place to enable the individual to exercise the rights that are restricted. Such plans shall include methods and timeframes for reinstating restricted rights.

005.06B If an adult individual is unable to exercise his or her rights or make informed decisions, the interdisciplinary team shall make plans to provide training to meet the needs or to obtain a guardian or advocate for that individual.

005.06C The interdisciplinary team as an entity shall not act as the individual's sole advocate in lieu of pursuing a more appropriate advocate.

005.06D When the eligible person or the legal representative elects to have the provider or the Service Coordinator manage personal funds, written policies and procedures must identify and detail the system to be used.

005.06D1 The person's IPP/IFSP file must document:

005.06D1a The circumstances leading the person to elect to have the provider or the Service Coordinator manage personal funds; and

005.06D1b The level and type of access, opportunities and/or training the person will receive in how to handle his or her money; and

005.06D1c That the IPP team annually addresses the need for a plan to return control of the funds to the person.

005.06D1c1 Plans for returning control over funds to the person shall include methods and timeframes for implementation.

005.06D2 Each individual financial record must include:

005.06D2a Documentation of all cash funds, savings and/or checking accounts, deposits and withdrawals; and

005.06D2b An individual ledger which provides a record of all funds received and disbursed and the current balance.

005.06D3 Account balances and records of transactions are provided to the eligible person or the person's fiscal representative as requested, but at least quarterly.

005.06D4 The eligible person, the legal representative, the parent(s) (if the person is a minor), the chosen advocate, the DDD Service Coordinator, the provider, and/or fiscal representative are to be given notice:

005.06D4a Prior to depletion of funds; and

005.06D4b Prior to accrual of balances that may affect eligibility for benefit programs.

005.06D5 Unplanned expenditures exceeding fifty dollars shall not be authorized without prior notification of the interdisciplinary team and prior approval of the person and the legal representative if applicable.

005.06D5a Unplanned expenditures include those expenditures not previously reviewed and authorized by the eligible person or the legal representative.

005.06D6 Written policies and procedures shall outline how financial errors, overdrafts, and missing money will be handled.

005.06D6a The eligible person shall not be responsible for service charges and fees assessed due to fiscal errors and overdrafts by staff.

005.06D6b The eligible person shall not replace missing money if money is missing due to staff error(s).

005.06D7 The repair of damaged property or the replacement of destroyed property (either private or public), using an individual's personal funds, shall not be authorized without prior approval of the eligible person, or the legal representative, on an incident by incident basis.

005.06D8 Modifications to a residence or other setting owned, operated or leased by an agency to accommodate a person's disability are the responsibility of the agency.

005.06D8a If modifications must be made to rental property, agency policy should support attempts to negotiate such changes at the landlord's expense or movement to an accessible setting as appropriate.

005.06D8b If the eligible person is the lessee (name appears on the lease), the person receiving services may choose to pay for modifications using personal funds.

005.06D8b1 If the eligible person is the lessee and has chosen to pay for modifications using personal funds, a record must be kept documenting these expenditures, and the modifications must follow the lessee when and if he/she moves, as allowed by law.

005.06D9 The provider/Department shall have policies and procedures to prohibit the use of a person's funds to:

005.06D9a Purchase inventory or services for agency/Department owned, operated, leased or controlled facilities; and

005.06D9b Purchase training materials and/or reinforcers without prior approval of the eligible person, or the legal representative.

005.06D9b1 Training materials and/or reinforcers purchased with the funds of the eligible person shall remain the property of the person and shall follow the person when and if he/she moves.

005.06D10 The provider/Department shall have policies and procedures to prohibit the borrowing of personal funds by staff or other persons served for any reason.

005.06D10a Procedures must detail how staff should handle unplanned household expenses.

005.06D11 When the eligible person or the legal representative chooses to have the provider/Department maintain the money of the person in a common trust, separate accounting is maintained for each individual or for his or her interest in a common trust fund.

005.07 No waiver of 205 NAC 5-005 or its parts shall be granted.

006 PROVIDER RESPONSIBILITIES. The provider shall have policies and procedures to govern their role in the development, implementation, monitoring, and evaluation of the individual's program plan. The provider's responsibilities will include:

006.01 Organizing the activities necessary to fulfill provider responsibilities as documented in each IPP/IFSP.

006.02 Conducting individual assessments, as determined by the team, and identifying the strengths, needs and preferences of the eligible person.

006.02A The need for assessment in each of the following developmental domains must be determined:

006.02A1 Physical development and health;

006.02A2 Sensorimotor development;

006.02A3 Communicative development;

006.02A4 Social/affective development;

006.02A5 Cognitive development;

006.02A6 Independent living skills; and

006.02A7 Leisure/personal skills.

006.03 Writing short-term objective statements that are specific, observable and measurable and are sequenced within a developmental progression appropriate to the eligible person. The short-term objective statements must include:

006.03A The skill or behavior to be achieved, specified in descriptive positive language and stated in terms of a single behavioral outcome;

006.03B A condition which describes the assistance, setting or resources provided in order to define the circumstances under which the skill or behavior is to occur; and

006.03C Criteria which state the performance level and duration necessary to indicate that the skill or behavior will occur consistently and reliably.

006.04 Writing formal habilitation programs based on the long-term goals and short-term objectives. Formal habilitation programs must include:

006.04A The actions required by the person to perform the skill/behavior;

006.04B What staff will do to assist the person;

006.04C Criteria for measurement of success;

006.04D Data collection method and schedule;

006.04E Conditions needed for habilitation;

006.04F Materials needed;

006.04G Staff authorized to implement and monitor program implementation such as, direct care staff, managers, supervisors, or coordinators; and

006.04H Reinforcement type and schedule.

006.05 Specifying activities designed to facilitate achievement of the stated objectives and present opportunities to increase the independence, interdependence, productivity and community integration of the person receiving services;

006.06 Monitoring the supports and services provided and if needed, causing action to occur to ensure the needs of the person receiving services are addressed.

006.07 Communicating with the DDD service coordinator and other team members regarding changes in the circumstances of the person, progress, problems with the implementation of any part of the IPP/IFSP, proposed changes in the IPP/IFSP, and/or any other matter that may impact the IPP/IFSP for the person;

006.08 Completing the assessments authorized by the IPP/IFSP team for the development of the IPP/IFSP at least thirty (30) calendar days prior to the Annual IPP/IFSP meeting;

006.09 Specifying the method by which assessment information is incorporated into the program plan;

006.10 Implementing the program plan within thirty (30) calendar days of IPP/IFSP development;

006.11 Submitting habilitation programs to the Service Coordinator within fourteen (14) calendar days after the IPP/IFSP.

006.12 Submitting subsequent habilitation programs and/or phase changes to the service coordinator within fourteen (14) calendar days of implementation; and

006.13 Reviewing the annual IPP/IFSP document to ensure that the document accurately reflects the outcomes and assignments of the IPP/IFSP meeting. If additions/corrections are needed they must be routed to the service coordinator.

007 REQUESTS FOR TEAM MEETINGS. The eligible person or any other member of the interdisciplinary team may request a team meeting at any time.

007.01 Health and/or safety issues require an immediate response.

007.02 Issues that are not related to health and safety require a response within 72 hours unless the individual requesting the team meeting agrees to extend the timeline for a response.

007.03 A response to a request for a team meeting may include but is not limited to:

007.03A Scheduling a team meeting;

007.03B Scheduling an appointment; and/or

007.03C Providing consultation and/or resolution of non-team issues. Only the requestor may withdraw his/her request.

007.05 Health and/or safety issues of an emergency nature shall be addressed as outlined in Section 205 NAC 4-015.05.

Source: Neb. Rev. Stat. § 83-1202

Neb. Rev. Stat. § 83-1209

Neb. Rev. Stat. § 83-1217